

Appl. No.: 09/990,779
Amdt. dated 06/29/2005
Reply to Official Action of March 29, 2005

REMARKS

This communication is filed in response to the first Official Action of this request for continued examination (RCE). Initially, Applicants note with appreciation the Examiner taking the time to conduct a telephone interview with Applicants undersigned attorney. The first Official Action now rejects all of the pending claims, namely Claims 1-31, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,526 to Vance et al., in view of U.S. Patent No. 3,815,269 to Roselli. As explained below, however, Applicants respectfully submit that the claimed invention of the present invention is patentably distinct from the Vance patent and the Roselli patent. Thus, Applicants respectfully traverse the rejection of the claims as being unpatentable over the Vance patent in view of the Roselli patent. In view of the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

As background, the present invention is directed to display of desired fares, such as a lowest fare, to a user based on a user query. The invention receives a departure and destination from the user. From this, the system determines a desired fare between the departure and destination. As is understood, a fare may apply to several itineraries for different times and even different days. The system seeks to organize the various options for the fare for the user. Specifically, the system displays the fare in a calendar based system indicating the departure and return days that the fare is available. This allows the user to more easily decide on which departure and returns days the desirable fare is available and may be booked.

I. Roselli cannot be properly Cited Against the Claimed Invention Under § 103(a)

As explained in MPEP § 2141.1(a), to rely on a reference as a basis for rejection under 35 U.S.C. § 103(a), the reference must be analogous prior art to the claimed invention. Firstly, the Roselli patent is classified as a technology significantly different from that of the claimed invention as well as the Vance patent. As also explained in the MPEP, Patent Office classification is evidence of non-analogy or analogy. In the instant case, the Roselli patent is currently assigned two classifications, namely, (a) class 040, subclass 110 directed to card, picture or sign exhibiting, character markers on calendars, and (b) class 235, subclass 98R

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directed to package operated registers. The claimed invention, on the other hand, is assigned classifications directed to data processing. In this regard, the claimed invention is currently assigned to class 707, subclass 003 directed to data processing: database and file management or data structures, query processing (i.e., searching). As clearly shown, then, while the claimed invention is classified as a technology related to data processing, the Roselli patent is classified as a technology having no relation to data or its processing. Instead, the Roselli patent is classified as a technology related to exhibiting cards, pictures or signs. Thus, while the claimed invention is within the electrical arts, the Roselli patent is within the mechanical arts.

As further evidence that the Roselli patent is non-analogous to the claimed invention, Applicants respectfully submit that the disclosed apparatus and method of the Roselli patent significantly differs from that of the claimed invention, and as such significant structural and functional differences exist between the respective systems and methods. *See* MPEP § 2141.1(a) (explaining that structural and functional differences are further evidence of non-analogy or analogy). In this regard, the apparatus and method of the claimed invention provide an apparatus and method for processing a query of a travel database, and administering an availability portion of travel database. As disclosed and recited, the apparatus includes a memory and a processor coupled to one another and operable to carry out the steps of the method. In contrast, as explained above, the Roselli patent discloses a mechanical slide calculator including a body having a calculator, and a transparent belt that encircles the body. In operation, then, the disclosed slide calculator can be used to determining the start and end of a selected period of time. Applicant respectfully submit that the apparatus and method for processing a query of a travel database of the claimed invention is clearly structurally and functionally significantly different from the apparatus and method for determining the start and end of a selected period of time disclosed by the Roselli patent. And for at least those structural and functional differences, the Roselli patent would not have been logically commended to an inventor's attention in considering the problem solved by the claimed invention. *See id.*, citing *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992).

As guidance on the issue of what is considered analogous art and what is not analogous art, MPEP § 2141.1(a) describes the case of *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d

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858, 26 USPQ2d 1767 (Fed. Cir. 1993), in which an application was directed to a SIMMS memory module for use in a personal PC. The Examiner in *Wang Laboratories* cited prior art that was related to SIMMS for use in industrial products. The Federal Circuit determined that the reference cited by the Examiner was non-analogous art because the claimed invention related to compact modular memories, while the prior art related to systems that allow for interchangeability of different size memories. As shown, then, there must be a very close nexus between the fields disclosed in the references. In the example in the MPEP, both the claimed invention and the prior art cited by the Examiner included information about SIMMS memories, and the Federal Circuit still found the reference non-analogous. The present case is much further away from this example. The claimed invention is directed to a computing system and method, while the Roselli patent is directed to a mechanical slide calculator. Applicants respectfully submit that if the Federal Circuit did not find references to be analogous where both references mentions SIMMS memory devices where the only distinction was the application of the SIMMS devices, then how could a reference concerning a mechanical slide calculator relate to a computing system and method?

For at least the foregoing reasons, Applicants respectfully submit that as the Roselli patent is non-analogous to the claimed invention, or the Vance patent, the Roselli patent cannot be relied on as a basis for rejection under 35 U.S.C. § 103(a).

II. The Claimed Invention is Patentable over Vance/Roselli

Even if the Roselli patent can properly be cited against the claimed invention, Applicants respectfully submit that the claimed invention is still patentably distinct from the Vance patent and Roselli patent, taken individually or in combination. As previously explained, the Vance patent provides a system and method for processing travel data and travel receipts. As disclosed, the system receives travel data that includes one or more travel segments. The system also receives receipts for the trip, which can be received from a credit card provider. The received travel data and receipts can be converted into a predefined format, with the converted information thereafter compared to match information in the travel data and receipts, such as by chain codes or dates of travel. Then, a list of matching data can be output, such as for use in

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preparing an expense report.

The Roselli patent provides a mechanical slide calculator for determining selected periods of time. As disclosed, the slide calculator includes a flat, rectangular body having a calendar printed thereon. In addition, the calculator includes a transparent flexible belt that encircles the body, where the belt includes one or more indices representing the start and end of a selected period of time. The belt is configured to slide and/or rotate on the body. Accordingly, in operation, the belt can be moved so as to bring the index representing the start of a period of time in alignment with a selected date on the calendar of the body. The end of the period of time is thereby being determinable as the date on the calendar aligned with the index of the belt representing the end of the period of time.

A. Claims 1-12 are Patentably Distinct from Vance/Roselli

Independent Claims 1 and 7 of the present application provide a method and apparatus for processing a query of a travel database. As recited, the method includes receiving a selected arrival and departure locations, and thereafter finding a set of desirable fares between the arrival and departure locations. Possible itineraries are constructed between the arrival and departure locations associated with the desirable fares. A set of rules are then applied to the possible itineraries. As explained in the specification, for example, one or more rules can include a minimum and/or maximum number of required stays, advanced purchase requirements or the like. Irrespective of the rules, however, the method further includes querying an availability portion of the travel database for available travel units (e.g., available seats of an aircraft) based upon the applied set of rules and the possible itineraries. Thereafter, the available travel units are displayed in a calendar of a calendar-based user interface.

With regard to Claims 1 and 7, the Official Action again alleges that Figure 14D of Vance teaches finding a set of desirable fares between an arrival location and departure location. Applicants respectfully disagree. Figure 14D of Vance discloses a pop up window displaying possible itineraries with no reference to the fare associated with those itineraries, as is recited in independent Claims 1 and 7. Accordingly, if the Examiner continues to maintain that Figure 14D of Vance discloses this feature; Applicants respectfully request that the Examiner more

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particularly point out exactly how that is the case.

In contrast to the method and apparatus of independent Claims 1 and 7, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest displaying available travel units in at least a portion of a calendar of a calendar-based user interface. As previously explained, the Vance patent does disclose a graphical user interface of a trip planning module, where the graphical user interface includes a calendar for displaying components of a trip planned by a user, such as by displaying a selected flight, hotel, and/or rental car. However, the graphical user interface of the Vance patent does not display available travel units (e.g., available seats), as does the claimed invention of independent Claims 1 and 7. Instead, the graphical user interface of the Vance patent displays only those components of a trip selected by the user.

Applicants further note that none of the other figures of Vance teach display of available travel units in a calendar. For example, Figures 14 E, H, and K nowhere teach or suggest display of available travel units in a calendar. Instead, the aircraft icons in these figures represent flights that have been booked by the user, not flights that are available. In this regard, Vance does not use a calendar as a tool for allowing the user to locate flights (travel units) that match a desired fare, but rather Vance discloses the use of an electronic calendar for travel planning, but does not teach or suggest that the calendar may help the user identify the proper dates to travel to obtain the desired fare. Simply stated, in accordance with one embodiment of the invention of the present application, if the user has only \$300 to spend on airfare, the user is presented with a calendar including the dates he/she can find available flights for just that price.

Like the Vance patent, Applicants respectfully submit that the Roselli patent does not teach or suggest displaying available travel units in at least a portion of a calendar of a calendar-based user interface as recited by independent Claims 1 and 7, despite an allegation to the contrary in the Official Action. As explained above, the Roselli patent provides a mechanical slide calculator that includes a body having calendar, and a belt for determining the end date of a period of time on the calendar by aligning an index representing the start of the period of time with a start date on the calendar. Nowhere, however, does the Roselli patent teach or suggest that the calendar or the belt display available travel units. In fact, the Roselli patent does not

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teach or suggest that anything is displayed in any portion of the calendar, much less available travel units as in the claimed invention.

As neither the Vance patent nor the Roselli patent teach or suggest the aforementioned feature of the claimed invention of independent Claims 1 and 7, the combination of the Vance patent and Roselli patent likewise does not teach or suggest this feature. Accordingly, Applicants respectfully submit that the claimed invention of independent Claims 1 and 7, and by dependency Claims 2-6 and 8-12, is patentably distinct from the system and method of the Vance patent and Roselli patent, taken individually or in combination. In addition, Applicants respectfully submit that various ones of dependent Claims 2-6 and 8-12 recite features further patentably distinct from the Vance patent and Roselli patent, taken individually or in combination.

Generally, the calendar disclosed by the Vance patent provides an indication of reserved components of a travel itinerary, including an aircraft icon to indicate a flight reservation for a given day and a hotel icon for a hotel reservation for a given day (see FIG. 14K). The calendar disclosed by the Roselli patent, on the other hand, only provides days of a calendar year, although in combination with the transparent belt, provides an indication of the start date and end date of a period of time. Therefore, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest that the calendar includes an indication of whether a travel unit is allowed on a pre-specified day based on a set of rules, as further recited by dependent Claims 3 and 9. Similarly, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest that the calendar includes an indication of whether a travel unit is available and/or sold out, as recited by dependent Claims 4 and 10. Further, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest that the calendar includes user-selectable hyperlinks for selecting a desired travel date, as recited by dependent Claims 6 and 12 (reciting a display as including the respective elements, the display being of at least a portion of the calendar per dependent Claims 5 and 11).

Applicants therefore again respectfully submit that the method and apparatus of independent Claims 1 and 7, and by dependency Claims 2-6 and 8-12, are patentably distinct from the Vance patent and Roselli patent, taken individually or in combination. As such,

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Applicants respectfully submit that the rejection of Claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over the Vance patent, in view of the Roselli patent, is overcome.

B. Claims 13-19 are Patentably Distinct from Vance/Roselli

Independent Claim 13 of the present application recites a calendar-based user interface for displaying query results from a database containing travel data. The user interface includes a calendar showing a plurality of days corresponding to the query, and availability and applicability indicators for each of the days. As recited, the availability indicator for each day shows available itineraries relating to the query. The applicability indicator for each day, on the other hand, shows itineraries relating to the query that apply based on a set of rules and restrictions from travel providers.

In contrast to independent Claim 13, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest a user interface including a calendar, and an availability indicator for each day of the calendar that shows available itineraries relating to a query. Also, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest a user interface that includes an applicability indicator for each day of the calendar that shows itineraries that apply based on a set of rules and restrictions from travel providers. As explained above with respect to Claims 1-12, the Vance patent does disclose a graphical user interface including a calendar. The calendar of the Vance patent, however, displays components of a trip planned by a user, such as by displaying a reserved flight, hotel, and/or rental car. The calendar of the Vance patent does not display, for each day, available fares relating to a query or itineraries related to the query that apply based on a set of rules and restrictions from travel providers, as recited by independent Claim 13. The Vance patent does disclose a graphical user interface that shows a listing (not a calendar) of a number of flights between selected origination and destination locations (see FIG. 14D) including the availability of those flights. However, even the listing only shows those flights for a single date (see FIG. 14C), and not for each date of a calendar, as recited by independent Claim 13.

Likewise, the Roselli patent discloses a calendar that provides days of a calendar year, and in combination with the transparent belt, provides an indication of the start date and end date

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of a period of time. The Roselli patent does not disclose, however, that the calendar or belt display available itineraries relating to a query for each day of the calendar, or that the calendar or belt include an applicability indicator for each day of the calendar, as recited by the claimed invention.

Thus, Applicants again respectfully submit that the user interface of independent Claim 13, and by dependency Claims 14-19, is patentably distinct from the Vance patent and Roselli patent, taken individually or in combination. Applicants therefore respectfully submit that the rejection of Claims 13-19 under 35 U.S.C. § 103(a) as being unpatentable over the Vance patent, in view of the Roselli patent, is overcome.

C. Claims 20-31 are Patentably Distinct from Vance/Roselli

Independent Claims 20 and 26 recite a method and apparatus for administering an availability portion of a relational travel database. As recited, the method includes receiving an availability message from a first travel provider. The availability message is then analyzed to determine one or more affected travel segments. A schedule portion of the relational travel database is queried for the one or more affected travel segments. Thereafter, if the one or more affected travel segments are found in the schedule portion of the relational database, a record is written to an availability portion of the relational database based on a status portion of the availability message.

In contrast to independent Claims 20 and 26, neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest a method or apparatus for administering an availability portion of a relational travel database, much less such a method or apparatus that includes receiving an availability message, analyzing the availability message, and writing a record to the availability portion of the relational database. In this regard, the Roselli patent does not even disclose a database, much less a relational travel database. And with respect to the Vance patent, the Official Action alleges that by disclosing the BargainFinderPlus feature of the Vance patent (see FIGS. 14P-14S), the Vance patent discloses analyzing an availability message to determine one or more affected travel segments, querying a schedule portion of a relational travel database for the affected travel segment(s), and writing a record to an availability portion

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of the relational database based on a status portion of the availability message if affected travel segment(s) are found in the schedule portion.

Applicants respectfully submit, however, that instead of disclosing a technique for administering an availability portion of a relational travel database, the Vance patent discloses a feature that permits a user to search for flights priced lower than a selected flight. Vance Patent col. 12, ll. 6-20. If the user then desires to select a lower priced flight, the Vance system updates the user's travel log to reflect the changed flight. In this regard, as the user searches for lower priced flights based on a flight already selected, and receives a list of available lower priced flights, the BargainFinderPlus feature of the Vance patent cannot be considered a technique for administering the availability portion of a relational travel database, as does the claimed invention of independent Claims 20 and 26. More particularly, for example, the BargainFinderPlus feature cannot be considered to include receiving an availability message from a travel provider, the availability message then being analyzed to determine one or more affected travel segments. In this regard, any messages in the BargainFinderPlus feature of the Vance patent are received from the user, although in that instance the user is searching for lower priced flights, and not available flights since the user has already selected an available flight (that being compared for lower priced flights).

As neither the Vance patent nor the Roselli patent, individually or in combination, teach or suggest a method or apparatus for administering an availability portion of a relational travel database, Applicants again respectfully submit that the invention of independent Claims 20 and 26, and by dependency Claims 21-25 and 27-31, is patentably distinct from the Vance patent and Roselli patent, taken individually or in combination. Applicants therefore respectfully submit that the rejection of Claims 20-31 under 35 U.S.C. § 103(a) as being unpatentable over the Vance patent, in view of the Roselli patent, is overcome.

D. Claims 32-45 are Patentably Distinct from Vance/Roselli

Applicants further respectfully submit that the methods of independent Claims 32 and 41 are patentably distinct from the Vance patent and Roselli patent, taken individually or in combination. Claims 32 and 41, albeit in somewhat different language, recite that the system

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displays in a calendar the dates that a given fare is available. This is nowhere taught or suggested by either the Vance patent or the Roselli patent, taken individually or in combination. More particularly as to the Vance patent, Figure 14D does not teach or suggest this aspect. First, Figure 14D does not disclose displaying fares at all. It only discloses display of itineraries for a given departure return date. There is no mention of the fare associated with the itineraries. Second, it does not disclose display of a fare in a calendar. The itineraries are in a pop up window. Finally, Figure 14D does not disclose display in a calendar all of the dates that the fare is available. At best, Figure 14D only shows itineraries for a given departure-return date combination selected by the user. (see Figure 14C). This is very different from the claimed invention, where a desired fare is displayed in a calendar to show all the dates that the fare is available. Because in Vance, the user inputs a specific departure-return date combination, see Figure 14C, there is no way that Vance teaches or suggests display of all the dates that a desired fare is available. Further, as discussed earlier, none of the other figures or their corresponding text disclose display in a calendar the days that a desired fare is available. Figures E, H, and K only show a particular itinerary that has already been selected by a user. It does not display various dates that a fare is available.

Likewise, the Roselli patent does not teach or suggest displaying in a calendar the dates that a given fare is available. Again, the Roselli patent provides a mechanical slide calculator that includes a body having calendar, and a belt for determining the end date of a period of time on the calendar by aligning an index representing the start of the period of time with a start date on the calendar. Nowhere, however, does the Roselli patent teach or suggest that the calendar or the belt display dates that a given fare is available. As indicated above, the Roselli patent does not teach or suggest that anything is displayed in any portion of the calendar, much less dates of availability of a given fare as in the claimed invention.

Applicants respectfully submit that new independent Claims 32 and 41, as well as the claims that depend respectively therefrom, are patentably distinct from the Vance patent and the Roselli patent. As such, Applicants therefore respectfully submit that the rejection of Claims 32-45 under 35 U.S.C. § 103(a) as being unpatentable over the Vance patent, in view of the Roselli patent, is overcome.